

# **Town Board Minutes**

## **Meeting No. 42**

### **Special Meeting**

**December 16, 2002**

# **Town Board Minutes**

**December 16, 2002**

**Meeting No. 42**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16<sup>th</sup> day of December 2002, at 6:30 PM and there were

**PRESENT:**

ROBERT GIZA, SUPERVISOR  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
STANLEY KEYS, PLANNING BOARD CHAIRMAN  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:**

RICHARD ZARBO, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:**

JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
WALDEN COLLISION SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Walden Collision site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER. TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
WALDEN COLLISION SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately .56 acres.

The location of the premises being reviewed is situate at 4274 Walden Avenue, County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
No significant adverse effects noted
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
No significant adverse effects noted
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
No significant adverse effects noted
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
No significant adverse effects noted
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
No significant adverse effects noted
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
No significant adverse effects noted
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
No significant adverse effects noted
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

December 16, 2002

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

December 16, 2002

**IN THE MATTER OF THE SEQR REVIEW OF THE  
AERO AUTO BODY WORKS SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Aero Auto Body Works site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK, WHO MOVED  
MOVED ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER SZYMANSKI, TO WIT:**

**RESOLVED,** that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
AERO AUTO BODY WORKS SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE,** that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 2.93 acres.

The location of the premises being reviewed is situated at 975 Ransom Road, County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.  
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not

impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

December 16, 2002

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.



The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

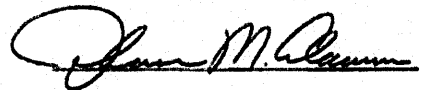
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

December 16, 2002

**ADJOURNMENT:**

**ON MOTION DULY MADE BY PLANNING BOARD MEMBER KORZENIEWSKI,  
SECONDED BY ENTIRE BOARD, this meeting was adjourned at 6:57 P.M.**

A handwritten signature in dark ink, appearing to read "Johanna M. Coleman", written over a horizontal line.

Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 43**

**Regular Meeting**

**December 16, 2002**

## ***Town Board Minutes***

December 16, 2002

Meeting No. 43

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of December 2002 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
SUZANNE BLANK, CLERK TYPIST

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO, by voice vote, to deliberate in Executive Session for the announced purpose of discussing a promotion in the Police Department and a legal matter regarding the Lancaster Volunteer Ambulance Corps resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 10:01 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

Colby, Jeremy, 9 Broadmoor Court, spoke to the Town Board on the following matter:

- Requested that the Town Board postpone the Public Hearing on Pleasant Meadows Subdivision.

**Mazurowski, John**, 11 Stephens Court, spoke to the Town Board on the following matter:

- Comments about his business background and the Police Chief's retirement.

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Comments about the possible annexation of land on the north side of Columbia Avenue to Village of Depew.
- Questions about the appointment of Chief of Police.

**Chowanec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments and questions about the possible merger of Town & Village of Lancaster Police Departments.

**Gull, Henry**, 710 Pavement Road, spoke to the Town Board on the following matters:

- Comments about Police Chief.
- Questions about the potential donation of land from Lafarge Corporation to Town of Lancaster.
- Comments about the benefits to be afforded to the current Police Chief upon his retirement next month.

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matters:

- Questions about the hiring of the Police Chief in the Village of Lancaster, the salary of the Town Police Chief, the contractual expense to Fox & Company for the police merger study.
- Budget transfer questions.
- Suggests that the Village of Lancaster be abolished.
- Questions the adequacy of the Draft Environmental Impact Statement of Pleasant Meadows Subdivision.

**Juszcak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

- Wants answers to his letter regarding the Police Chief.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Questions/Comments about the proposed annexation of property located in the Town of Lancaster on the north side of Columbia Avenue to the Village of Depew.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held  
December 2, 2002 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: RMHN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK RUFFINO. TO WIT:

WHEREAS, it is necessary to make various transfers within the 2002 budget  
accounts of the Town of Lancaster at the close of Town business on December 31, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby  
authorized and directed to make such transfers to all over-expended accounts from available funds  
in the 2002 Budget, including unappropriated fund balances, upon the close of Town business on  
December 31, 2002.

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster acting as lead agency has received a Draft Environmental Impact Statement (DEIS) for Pleasant Meadows Subdivision and rezone located on the north side of Walden Avenue, south of Pleasant View Drive, between Central Avenue and Stony Road in the said Town as submitted by the developer and Pratt & Huth Associates, LLP, and

WHEREAS, the Municipal Review Committee and Town Board accepted the Draft Environmental Impact Statement as complete, and

WHEREAS, the Department of Environmental Conservation (DEC) of the State of New York, acting as a permit agency, has advised the Town by letter dated November 26, 2002 of its several concerns regarding the environmental review of the proposed project, and

WHEREAS, the Municipal Review Committee (MRC) has determined it is in the public interest to hold a public hearing for the purpose of obtaining public comment regarding said Draft Environmental Impact Statement (DEIS) and has recommended that the Town Board hold a public hearing on the Draft Environmental Impact Statement.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That a public hearing will be held for the purpose of obtaining public comment regarding the Draft Environmental Impact Statement for Pleasant Meadows Subdivision on the 14<sup>th</sup> day of January, 2003, at 7:00 o'clock P.M., Local Time, at the Lancaster Opera House, 21 Central Avenue, Lancaster, New York, and that a notice of the time and place of such Hearing be published on or before December 19, 2002, in the Lancaster Bee, the Official Newspaper being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: \pleasantmeadowspublichearingdeis1202



LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING

This hearing notice is prepared in accordance with Article 8 of the Environmental Conservation Law.

Lead Agency: Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Contact Person: Robert H. Giza, Supervisor  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

**LEGAL NOTICE IS HEREBY GIVEN, THAT** a Draft Environmental Impact Statement (Draft EIS) has been completed and accepted for the proposed zoning change of 67 ± acres of land from R1 (Residential District One) to R2 (Residential District Two), 55 ± acres of land from R1 (Residential District One) to RCO (Residential Commercial Office), 39 ± acres of land from R1 (Residential District One) to MFR-3 (Multi-Family District Three), an 55 ± acres of land from R1 (Residential District One) to MFR-4 (Multi-Family District Four) to accommodate development of a multi-use development consisting of 174 ± homes, 120 ± patio homes, 512 ± apartment units, 10 ± offices, and a 42 ± acre park and nature preserve on a 271 ± acre parcel of land in the Town of Lancaster on the north side of Walden Avenue, south of Pleasant View Drive, between Central Avenue and Stony Road.

SEQR Classification: Type I

Location of Action: North side of Walden Avenue, south of Pleasant View Drive, between Central Avenue and Stony Road in the Town of Lancaster, County of Erie and the State of New York.

Statement of Completion DEIS: The Municipal Review Committee (MRC) of the Town of Lancaster has after due review determined that the Draft Environmental Impact Statement (DEIS) submitted by the project sponsor is complete and has accepted the DEIS as adequate with respect to its scope and content. The Draft EIS addresses matters to be given consideration under SEQR. Copies of the DEIS may be obtained at the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086.

A Public Hearing on the Draft EIS will be held on the 14<sup>th</sup> day of January, 2003 at 7:00 P.M., Local Time, at the Lancaster Opera House, 21 Central Avenue, Lancaster, New York, for the purpose of obtaining public comment regarding the Draft EIS. Comments in writing on the Draft Environmental Impact Statement (DEIS) are requested and will be accepted until 10:00 o'clock A.M., Local Time, on January 31, 2003 at the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York. Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the County of Erie Department of Senior Services has heretofore provided a van to the Town of Lancaster for the purpose of providing transportation to senior citizens in the Town of Lancaster, and

WHEREAS, it is necessary to enter into a contractual arrangement with the County of Erie in order to continue providing said services to seniors, and

WHEREAS, the Town Attorney has reviewed the proposed contract with the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement with the County of Erie Department of Senior Services for the year 2003.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: rsvan02

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the year ~~2003~~ <sup>2002</sup> *mp*

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute on behalf of the Town of Lancaster, the ~~2003~~ <sup>2002</sup> *mp* application with the County of Erie for participation in funding of alcohol related traffic safety law enforcement activities under the ~~2003~~ <sup>2002</sup> *mp* STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: rstopdwi2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Donald C. Babcock, owner of WALDEN COLLISION, situate at 4274 Walden Avenue, in the Town of Lancaster, has submitted an application for a Special Use Permit for an auto collision business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster, and**

**WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for an auto collision business on premises locally known as 4274 Walden Avenue, in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of January 2003 at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: spcialusewaldencollision1202

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - WALDEN COLLISION  
4274 WALDEN AVENUE**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 16<sup>th</sup> day of December, 2002 the said Town Board will hold a Public Hearing on the 6<sup>th</sup> day of January, 2003, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Donald C. Babcock, owner of Walden Collision, for a Special Use Permit for an auto collision business on premises locally known as 4274 Walden Avenue, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

December 16, 2002

**PREFILED RESOLUTION NO. 7 - MEETING OF 12/16/02**

Stempniak/ \_\_\_\_\_ Approve Site Plan Aero Auto Body Works [Site Plan: Aero Auto  
Body Works]

At the request of Council Member Stempniak, this resolution was withdrawn for  
further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPNIAK. TO WIT:

**WHEREAS**, the Town Board is in the process of reviewing the financial details of a possible merger of the Village of Lancaster Police Department and the Town of Lancaster Police Department, and

**WHEREAS**, the Town Board now after due review and consideration deems it appropriate and in the public interest to continue the engagement of the Town's auditor, Fox and Company as financial consultant to the Town for further review of the tax implications and potential savings of such a merger at a cost not to exceed an additional \$6,000.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an agreement with Fox and Company to continue its services relating to a review, evaluation and report regarding the merger as before mentioned at an additional fee not to exceed \$6,000.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: taxandcompanypolice merger



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed (with the exception of those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the project and/or subsequent retirement of said debt), and

BE IT FURTHER

RESOLVED, that the cash balances, as specified below, of the following Capital Projects of the Town of Lancaster, are to be transferred to the "Reserve for Debt Service" accounts of their operating fund, also specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Fund</u>
Youth Center Reconstruction	138	02/05/01	\$22,868.15	General - Townwide
Library Doors	140	n/a (grant)	0.00	General - Townwide

and

BE IT FURTHER

RESOLVED, that the cash balance, as specified below, of the following Capital Project of the Town of Lancaster, be transferred and credited to the account entitled "B9950.901 Interfund Transfer Out to Capital Projects Fund", from which it was previously transferred:

Public Safety Dispatch Ctr.	141	n/a	\$2,890.66	General - TOV
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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS**, the Town of Lancaster herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the State Contract, herein called the "Project" is desirable, in the public interest, and is required in order to study and/or implement the local project or program, and

**WHEREAS**, under Chapter 55, Section 1 and 2 of the Laws of 1999 relating to the Local Assistance Budget, the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement, and

**WHEREAS**, the Municipality has examined and duly considered Chapter 55, Section 1 and 2, of the Laws of 1999 relating to the Local Assistance Budget and deems it to be in the public interest and benefit under this law to entertain a contract therewith for the 2003 Tree Planting Program.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Town of Lancaster the following:

1. That Robert H. Giza, Supervisor is directed and authorized as the official representative to act in connection with any contracts between the Municipality and the State, and to provide such additional information as may be required.
2. That one(1) certified copy of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together with the State Contract.
3. That this resolution take effect immediately.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated December 9, 2002, has requested the addition of additional members to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Twin District Volunteer Fire Company the following individuals:

ADDITIONS:

Michael Bohn  
65 Jessica Lane  
Depew, New York

Lawrence Jakubowski  
40 Village View  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
ALL COUNCIL MEMBERS PRESENT. TO WIT:

**WHEREAS**, Thomas Fowler, Chief of Police of the Town of Lancaster, has informed the Town that he will retire as of January 3, 2003, and

**WHEREAS**, the Town of Lancaster will need to fill the vacancy created by the beforementioned retirement and in light of the transfer of functions of the Village of Lancaster Police Department to the Town of Lancaster Police Department the Town has requested the consent of Erie County Personnel to appoint Police Chief Gary Stoldt in the Village of Lancaster as the Police Chief for the Town of Lancaster effective January 4, 2003 and that consent has been given, and

**WHEREAS**, the Town Board deems it to be in the public interest to make an appointment to the position of Chief of Police upon the retirement of Police Chief Thomas Fowler.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby appoints Gary Stoldt as Chief of Police of the Town of Lancaster effective January 4, 2003.

**BE IT FURTHER**

**RESOLVED**, that the salary for this position will be accordance with the 2003 Schedule of Salaries, which has yet to be adopted by the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: rappointstoldigary1202a

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has appointed Gary Stoldt to become the Chief of Police of the Town of Lancaster effective January 4, 2003 and

WHEREAS, there will be a transfer of all functions of the Village of Lancaster Police Department into the Town of Lancaster Police Department in the year 2003, and

WHEREAS, the Village of Lancaster has requested that the Town enter into a municipal cooperation agreement with the Village of Lancaster to provide for certain police services to the Village of Lancaster until such time as the transfer of functions has been fully executed, to wit: the provision of supervision services for the Village of Lancaster Police Department by the newly appointed Town Police Chief Gary Stoldt with the Village to pay compensation to the Town for the administrative and supervisory services provided by Chief Stoldt to the Village in an amount equal to 25% of Chief Stoldt's base salary as Chief of Police for the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the proposal and deems it to be in the public interest to enter into such an agreement with the Village of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Article 5- G, General Municipal Law municipal cooperation agreement with the Village of Lancaster by which the newly appointed Chief of Police of the Town of Lancaster Gary Stoldt will provide Chief of Police services to the Village of Lancaster from January 4, 2003 until such time as the transfer of police functions is completed from the Village of Lancaster to the Town of Lancaster with the Village to pay as compensation to the Town for the services provided by Chief Stoldt to the Village a sum equal to 25% of Chief Stoldt's base salary with the Town of Lancaster for the period of time such service is provided.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: appointingstoldt1202

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Dana Warman, P.O. Box 865, Buffalo, New York, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Walnut Creek Subdivision, Phase II Pt. 4 within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated December 12, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Walnut Creek Subdivision, Phase II Pt. 4, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 565- Street Lights  
and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster has received a petition from Stephen M. Filipowicz co-executor of the estate of Matthew W. Filipowicz for the annexation of a parcel of vacant land of approximately 7.89 acres  $\pm$  which is situate within the Town of Lancaster and for which annexation is sought to the Village of Depew, and

**WHEREAS**, a certificate has also been received from the Town of Lancaster Assessor, Christine A. Fusco, certifying that the estate of Matthew W. Filipowicz is the only owner of the property sought to be annexed and that the assessed value of said property is \$37,000., and

**WHEREAS**, General Municipal Law §704 requires that upon receipt of a petition for the annexation of land by the owner of property seeking annexation of land to a contiguous municipality the Town in which the property is located must within 20 days of receipt of said petition publish a notice in the Town official newspaper of the receipt of the petition and the date, place and time of the joint hearing of the two municipal boards involved in the petition for annexation to wit the Town Board of the Town of Lancaster and the Village Board of the Village of Depew, and

**WHEREAS**, the Town Board has reviewed the petition and upon the advice and direction of the Town Attorney has determined that it is required by the General Municipal Law to publish a notice of receipt of the petition and to set a joint hearing with the Board of Trustees of the Village of Depew;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby acknowledges receipt of the petition on behalf of the estate of Matthew W. Filipowicz for the annexation of approximately 7.89  $\pm$  acres which is vacant land within the Town of Lancaster for which annexation is sought to the Village of Depew, and

**FURTHER**, the Town Board pursuant to General Municipal Law §704 directs that a joint public hearing be set with the Village Board of the Village of Depew said hearing to take place on January 21, 2003, and

**FURTHER**, the Town Board directs that the Town Clerk publish a notice in the official newspaper, the Lancaster Bee, of the Town of Lancaster of the receipt of the petition and the date, place and time of the joint hearing to be held with the Village Board of the Village of Depew, and



**FURTHER**, the Town Clerk is directed to mail a notice of the hearing to Stephen M. Filipowicz, the co-executor of the estate of Matthew W. Filipowicz and also to the Lancaster Central School District in which district the land sought to be annexed is located.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<b>COUNCIL MEMBER MONTOUR</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER RUFFINO</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER STEMPIAK</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER ZARBO</b>	<b>WAS ABSENT</b>
<b>SUPERVISOR GIZA</b>	<b>VOTED YES</b>

December 16, 2002

File: rannexatoufilipowicz

**NOTICE OF RECEIPT OF PETITION  
TO ANNEX REAL PROPERTY  
AND NOTICE OF JOINT HEARING  
OF THE TOWN BOARD OF THE TOWN OF LANCASTER  
AND THE VILLAGE BOARD OF THE VILLAGE OF DEPEW**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Town of Lancaster hereby acknowledges that it is in receipt of a petition to annex real property within the Town of Lancaster to wit a parcel of approximately 7.89 acres  $\pm$  more or less of vacant land situate on the north side of Columbia Avenue , east of the boundary line of the Village of Depew and Town of Lancaster, said petition seeking the annexation of the beforementioned parcel to the Village of Depew. Further, the Town Board of the Town of Lancaster has set a joint hearing date with the Village Board of the Village of Depew, said hearing to consider public comment on the issue of the petition for annexation to be held at the Town Hall at the Town of Lancaster on January 21, 2003 at 7:00 PM local time.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

December 16, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by  
the Director of Administration and Finance, to wit:

Claim No. 17778 to Claim No. 18028 Inclusive

Total amount hereby authorized to be paid: \$817,202.25

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: Relains

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

10130	Rogowski, Kelly	5072 William St	Er. Deck
10131	Gramaglia, Joseph	11 Hidden Trl	Er. Fence
10132	Rome, Lawrence	3598 Walden Ave	Er. Res. Add.
10133	Mordeno Construction	8 Alyssum Ct	Er. Dwlg.-Sin.
10134	Marrano/Marc Equity	20 Apple Blossom Blvd	Er. Dwlg.-Sin.
10135	Marrano/Marc Equity	45 Hill Valley Dr	Er. Dwlg.-Sin.
10136	Forbes Homes	39 Hill Valley Dr	Er. Dwlg.-Sin.
10137	Forbes Homes	17 Buckingham Ct	Er. Dwlg.-Sin.
10139	Albert V. Rundiaccio	2 Buckingham Ct	Er. Dwlg.-Sin.
10140	Nail Design	4779 Transit Rd	Er. Sign-Temp
10141	Lovejoy Builders Inc	17 Ann Marie Dr	Er. Dwlg.-Sin.
10142	Marrano/Marc Equity	8 Peachtree Ct	Er. Dwlg.-Sin.
10143	Marrano/Marc Equity	52 Cedar Brook Dr	Er. Dwlg.-Sin.
10144	Ryan Homes	16 Creekwood Dr	Er. Dwlg.-Sin.
10145	Parco Bldg Systems Inc	870 Townline Rd	Er. Pole Barn

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File:Rbldg2

## **SUSPENDED RESOLUTIONS:**

Council Member Stempniak requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

## **SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Kenneth D. Pezdek, owner of AERO AUTO BODY WORKS,**  
situate at 975 Ransom Road, in the Town of Lancaster, has submitted an application for a  
Special Use Permit for an automotive repair business in accordance with provisions of Chapter  
50-Zoning, Section 20 (B) of the Code of the Town of Lancaster, and

**WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that**  
the Town Board conduct a public hearing before the issuance of a special use permit for a use as  
proposed;

## **NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B), entitled  
"Commercial Motor Service District" of the Code of the Town of Lancaster, a Public Hearing  
on the proposed Special Use Permit for an automotive repair business on premises locally  
known as 975 Ransom Road, in the Town of Lancaster, New York, will be held at the Town  
Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of January 2003, 8:40 o'clock  
P.M., Local Time, and that Notice of the time and place of such Hearing be published in the  
Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town  
Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County  
Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which  
Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

December 16, 2002

File: specialusearea/bodyworks1202

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - AERO AUTO BODY WORKS  
975 RANSOM ROAD**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 16<sup>th</sup> day of December, 2002 the said Town Board will hold a Public Hearing on the 6<sup>th</sup> day of January, 2003, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Kenneth D. Pezdek, owner of Aero Auto Body Works, for a Special Use Permit for an automotive repair business on premises locally known as 975 Ransom Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

**December 16, 2002**



## COMMUNICATIONS & REPORTS:

1006. NYSDOT to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster, comments noted, regarding Tool Ranch, 3857 Walden Avenue. DISPOSITION = Planning Committee
1007. Erie County Commissioner of Public Works to Town of Lancaster -  
Notification of Ransom Road bridge opening. DISPOSITION = Town Engineer, Highway Superintendent, & Police Department
1008. General Crew Chief to Planning Board Chairman, Planning Board, Council Members Montour, Ruffino, Stempniak -  
Notice of specific recommendations from the Town Forestry Department for the site plan of Kunvarji Hotels. DISPOSITION = Planning Committee
1009. NYSDEC to Town Attorney -  
Comments and concerns regarding the DEIS of the proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
1010. NYSDEC to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Aero Auto Body Works on Ransom Road. DISPOSITION = Planning Committee
1011. Roy Schneggenburger to Town Board -  
Letter regarding communication #989 of 2002. DISPOSITION = Received & Filed
1012. Lancaster Area Chamber of Commerce to Residents -  
Update of Broadway reconstruction. DISPOSITION = Received & Filed
1013. Town Clerk to Supervisor -  
Transmittal of monthly report for November 2002. DISPOSITION = Received & Filed
1014. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notification of meeting on December 10, 2002 at 9:30 AM. DISPOSITION = Received & Filed
1015. Planning Board to Town Board -  
Recommendation to approve site plan of Walden Collision Shop, 4274 Walden Avenue, conditions noted. DISPOSITION = Planning Committee
1016. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held December 4, 2002. DISPOSITION = Received & Filed
1017. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -  
Notice of SEQR meeting December 16, 2002 at 6:30 PM regarding the site plans of Aero Auto Body Works and Walden Collision. DISPOSITION = Received & Filed
1018. Town Clerk to Various News Media -  
Notice to media of SEQR meeting, December 16, 2002 at 6:30 PM to review the site plans of Aero Auto Body Work and Walden Collision. DISPOSITION = Received & Filed
1019. NYS Office of Parks, Recreation and Historic Preservation to Supervisor -  
Notice of denial of grant for Keysa Park Expansion. DISPOSITION = Received & Filed
1020. NYS Department of Public Service to Town Board -  
Notice of meeting to be held December 13, 2002 at 9:00 AM regarding Adelphia Cable Communications. DISPOSITION = Received & Filed

1021. Village of Lancaster to Town Board -  
Official Minutes of meeting held November 25, 2002. DISPOSITION = Received & Filed
1022. Lancaster Area Chamber of Commerce to Residents -  
Update on Broadway reconstruction and Lancaster Bridge re-opening.  
DISPOSITION = Received & Filed
1023. Council Member Zarbo to Supervisor -  
Notification of inability to attend Town Board meetings until further notice.  
DISPOSITION = Received & Filed
1024. Twin District Fire Company to Town Board -  
Request for change in roster. DISPOSITION = Resolution 12/16/2002
1025. NYSDOT to Town Attorney -  
Comments regarding DEIS of proposed Pleasant Meadows Rezone & Subdivision.  
DISPOSITION = Planning Committee
1026. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -  
Recommendations from the Town Forestry Department regarding site plan of Animal Eye Care. DISPOSITION = Planning Committee
1027. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -  
Town Forestry Department request for detailed specifications of plant material regarding the site plan of Walden Collision. DISPOSITION = Planning Committee
1028. Joseph Juszcak to Town Board -  
Request for information regarding retirement benefits for the Police Department.  
DISPOSITION = Received & Filed
1029. Petition to Town Clerk, Town Board -  
Petition regarding retirement of Police Chief. DISPOSITION = Received & Filed
1030. Town Line Fire Department to Town Board -  
Transmittal of elected officers for 2003. DISPOSITION = Received & Filed
1031. Village of Depew Mayor to Supervisor -  
Letter regarding proposed annexation of land owned by the estate of Matthew W. Filipowicz. DISPOSITION = Resolution 12/16/2002
1032. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Animal Eye Clinic. DISPOSITION = Planning Committee

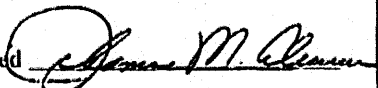
**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPIAK AND SECONDED BY ENTIRE  
TOWN BOARD, on voice vote, which resulted as follows:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 10:01 P.M.

Signed



Johanna M. Coleman, Town Clerk